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SECRETARY OF STATE

STATE OF TENNESSEE		
BEFORE THE COMMISSIONER OF FINANCIAL INSTITUTIONS		
DEPT. OF FINANCIAL INSTITUTIONS,)	
COMPLIANCE DIVISION,)	
)	Docket No.: 03.06-098505J
Petitioner,)	
)	
v.)	
)	TDFI No.: 08-33-C
ROBERT L. COURTNEY,)	
)	
Respondent.)	

AGREED ORDER OF PROHIBITION

This matter is before Leonard Pogue, Administrative Judge, assigned by the Tennessee Secretary of State, Administrative Procedures Division, and sitting for the Commissioner of the Tennessee Department of Financial Institutions (hereinafter, "Commissioner"). It appearing that the parties have agreed to resolve this contested case by the entry of this Agreed Order, and that in support thereof the parties make the following representations, as evidenced by the signatures below:

1. This matter constitutes a "contested case" within the meaning of Tenn. Code Ann. § 4-5-102(3). Both the Uniform Administrative Procedures Act, Tenn. Code Ann. §§ 4-5-101, *et seq.*, and the Uniform Rules of Procedure for Hearing Contested Cases Before State Administrative Agencies, Chapter 1360-4-1 of the Official Compilation Rules & Regulations of the State of Tennessee, are applicable to this matter.
2. Tenn. Code Ann. § 45-1-104 provides that the Tennessee Department of Financial Institutions (hereinafter, "Department") is charged with the execution of all

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laws relative to persons doing or engaged in a banking or other business as provided in Title 45 of the Tennessee Code.

3. Under Title 45 of the Tennessee Code, the Commissioner is responsible for the administration, enforcement, and interpretation of the Tennessee Residential Lending, Brokerage and Servicing Act of 1988, Tenn. Code Ann. §§ 45-13-101, *et seq.* (hereinafter, "Mortgage Act"), and any regulations promulgated thereunder.

4. The Petitioner is the lawfully designated representative through which the Commissioner regulates mortgage loan lenders, brokers, servicers, originators, and the business of mortgage lending under the Mortgage Act.

5. The Respondent, Robert L. Courtney, Jr. (hereinafter, "Courtney"), is a natural person residing in Jefferson City, Tennessee.

6. On June 10, 2002, the United States Department of Justice filed an information (hereinafter, "Information") with the United States District Court, Eastern District of Tennessee, criminal docket number 2:02-CR-56-1, charging Courtney with violating 18 U.S.C. §215(2), 18 U.S.C. §§2 and 1344, and 26 U.S.C. § 7206(1).

7. On September 23, 2002, Courtney had a plea agreement entered with the Court in criminal docket number 2:02-CR-56-1, by which Courtney pled guilty to all three (3) Counts of the Information.

8. From about March 9, 2007 to present, Courtney has been employed as a mortgage loan originator by American Acceptance Mortgage, Inc., a mortgage broker licensed by the Department under the Mortgage Act, in Hixson, Tennessee.

9. On March 21, 2008, after discovering Courtney's guilty plea referenced above, the Petitioner served Courtney with a "Notice of Charges" (hereinafter, "Notice of

Charges”) that also notified Courtney of his right to request a hearing on the allegations raised, provided that such hearing was requested within thirty (30) days of service.

10. On April 1, 2008, the Commissioner timely received from Courtney a “Respondent’s Written Request for Hearing,” by which Courtney requested a hearing on the allegations raised in the Notice of Charges.

11. On April 4, 2008, the Petitioner filed with the Tennessee Secretary of State’s office a “Motion Requesting the Assignment of an Administrative Judge to Conduct a Contested Case,” thus transferring this case to the Tennessee Secretary of State’s Administrative Procedures Division to be heard by Judge Pogue.

12. The Petitioner, in its Notice of Charges, alleged that the various criminal acts to which Courtney pled guilty on September 23, 2002 were reasonably related to the qualifications, functions, or duties of a person engaged in the mortgage loan business, and showed that Courtney lacks the financial responsibility, experience, and character to warrant the belief that he will operate lawfully and within the purposes of the Mortgage Act, as required by Tenn. Code Ann. § 45-13-105(a).

13. As relief, the Petitioner, in its Notice of Charges, requested an order barring Courtney from any position of management or control of, or employment with, or from providing services to, any licensee or registrant or other person subject to the Commissioner’s jurisdiction.

14. In the interests of cooperation, and to avoid further costs associated with administrative and judicial proceedings with respect to this matter, the Petitioner and Courtney desire to settle this litigation by Agreed Order.

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15. Courtney, without admitting or denying any wrongdoing, hereby consents to henceforth be prohibited from any position of management or control of, or employment with, or from providing services to, any licensee or registrant or other person subject to the Commissioner's jurisdiction. For purposes of this Agreed Order, "control" shall have the same meaning as the term is defined at Tenn. Code Ann. § 45-13-102(5). This Agreed Order shall prohibit Courtney from participating in any business activity of a person subject to the Commissioner's jurisdiction, as well as from engaging in any business activity on the premises where such persons under the Commissioner's jurisdiction conduct their business. This Agreed Order shall not prohibit Courtney from having his personal transactions processed by any person subject to the Commissioner's jurisdiction.

16. It is understood and agreed to by Courtney that the prohibitions agreed to above shall remain fully effective and enforceable for a period of two (2) years from the date of entry of this Order. Upon expiration of the two (2) year prohibitions, Courtney shall no longer be prevented by this Agreed Order from having filed with the Department an application or registration for a license, as the term "license" is defined at Tenn. Code Ann. § 4-5-102(5); provided, however, that the Department may deny such application or registration in accordance with applicable law, and in consideration of any of the facts used as the basis for the Notice of Charges referenced above.

17. In consideration of the above prohibitions, the Petitioner agrees to cease further prosecution of, and deem concluded, the above-captioned administrative case brought against Courtney; provided, however, that upon expiration of the two (2) year

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prohibitions set forth above, the Petitioner reserves the right to take any other action that may affect Courtney in relation to any of the industries regulated by the Commissioner.

18. It is understood and agreed to by Courtney that, by entering into this Agreed Order, Courtney expressly waives all further procedural steps and expressly waives all rights to seek judicial review of or to challenge or contest the validity of this Agreed Order.

19. It is further understood and agreed to by Courtney that, by entering into this Agreed Order, Courtney is allowing Judge Pogue to enter this Order without further process. In the event this Agreed Order is not entered for any reason, it will be of no force or effect for either party.

20. Based upon the foregoing agreement and representations, and for good cause shown to me,

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

a. That Courtney is hereby and henceforth prohibited from any position of management or control of, or employment with, or from providing services to, any licensee or registrant or other person subject to the Commissioner's jurisdiction;

b. That, specifically, Courtney shall immediately cease employment with, and/or from providing services to, American Acceptance Mortgage, Inc;

c. That the prohibitions set forth in this Agreed Order shall remain fully effective and enforceable for a period of two (2) years, unless expressly stayed, modified, terminated, or suspended in writing by the Commissioner, after which time Courtney shall not be prevented by this Agreed Order from having filed with the Department an application or registration for a license;

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d. That, upon expiration of the two (2) year prohibitions set forth in this Agreed Order, the provisions of this Agreed Order shall not bar, estop, or otherwise prevent the Department of Financial Institutions from taking any action that may affect Courtney in relation to any of the industries regulated by the Department, including the denial of any application or registration filed with the Department based on any of the facts alleged in the Petitioner's Notice of Charges;


e. That any violation of this Order shall separately subject Courtney and/or any other violator(s) to injunction and any other appropriate relief as may be granted upon action brought in the chancery court of Davidson County; and,

f. That this Agreed Order represents the complete and final resolution of, and discharge with respect to, the current administrative case brought by the Petitioner against Courtney.

This Agreed Order **ENTERED** and effective this 18TH day of AUG., 2008.


Leonard Pogue
Administrative Judge

Filed in the Administrative Procedures Division, Office of the Secretary of State,
this 18TH day of AUG., 2008.


Thomas Stovall, Director
Administrative Procedures Division

AGREED ORDER OF PROHIBITION APPROVED AND ENTRY REQUESTED BY:



Michael Igney, Assistant Commissioner

Compliance Division

Tennessee Department of Financial Institutions

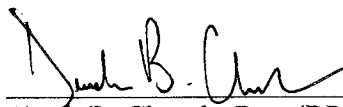
414 Union Street, Suite 1000

Nashville, Tennessee 37219

(Tel) 615-741-3186, (Fax) 615-532-1018



Date



Derek B. Church, Esq. (BPR #024946)

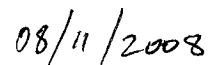
Counsel for the Petitioner and Preparer of this Agreed Order

Tenn. Dept. of Financial Institutions

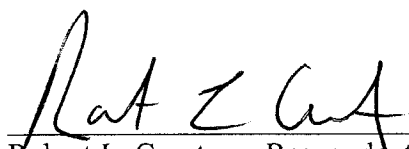
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Nashville, Tennessee 37219

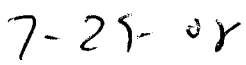
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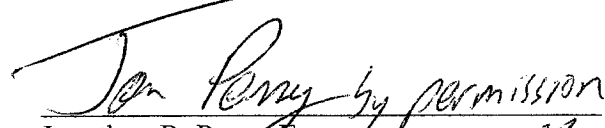
Date



Robert L. Courtney, Respondent
Jefferson City, Tennessee



Date



Jonathan R. Perry, Esq.


Counsel for the Respondent

The Perry Firm

1896 General George Patton Drive, Ste. 400

Franklin, Tennessee 37067

(Tel) 615-550-1200



Date